



Entered on Docket
January 06, 2009

Hon. Bruce A. Markell
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

TOWER HOMES, LLC,

Debtor.

BUILDING CONSENSUS, INC.,

Plaintiff,

v.

TOWER HOMES, LLC, et al.,

Defendant.

BK-S-07-13208-BAM

Chapter 11

Adv. P. No. 07-1150-BAM

Date: Jan 6, 2009

Time: 9:30 a.m.

Courtroom: 3

OPINION ON ORDER TO SHOW CAUSE

The court entered an order to show cause why the trial set for ten days in February of 2009 should not be vacated and this proceeding stayed until the sale period provided in the "Trustee's Disclosure Statement and Plan of Reorganization" (dkt. #291) ("Plan") has passed, or, in the alternative, why this proceeding should not be remanded to state court for lack of jurisdiction. The hearing on this order to show cause was held on January 6, 2009, at 9:30 a.m., in the Foley Federal Building, 300 Las Vegas Blvd. South, Las Vegas, Nevada, in Courtroom #3 before Judge Bruce A. Markell.

1 The court stated its findings on the record. In accordance with FED. R. BANKR. P. 7016,
2 the court makes the following orders:

3 1. All trial dates currently set in this proceeding are hereby vacated;

4 2. On or before June 30, 2009, William A. Leonard, Jr., the trustee, shall file a report on
5 the status of sale or refinancing that is contemplated by the Plan;

6 3. If the trustee's status report indicates that the sale or refinancing has generated
7 enough money to pay some, but not all, of the creditors denominated as Class 5 by the Plan, then an
8 initial status conference shall be held in this proceeding on July 14, 2009, at 10:30 a.m., in the Foley
9 Federal Building, 300 Las Vegas Blvd. South, Las Vegas, Nevada, in Courtroom #3 before Judge
10 Bruce A. Markell; and

11 4. If the trustee's status report indicates either: (1) that the sale or refinancing did not
12 generate enough funds to pay any Class 5 creditors, or (2) that the sale or refinancing generated
13 enough money to pay all Class 5 creditors, then this proceeding shall be dismissed as of July 1,
14 2009, and the trustee shall file an order confirming the dismissal.

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16 IT IS SO ORDERED.

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18 Copies mailed as per list attached as Exhibit A

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Exhibit A

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